

REMARKS

Claims 1-22 are pending. Claims 21 and 22 are newly added. The remaining claims are unchanged. The new claims are supported by the application as originally filed, and no new matter has been added.

Claims 21 and 22 are added following a telephone conversation between Applicant's attorney and the Examiner on October 26, 2004. Applicant's attorney thanks Examiner Rimell for the courtesy extended in that conversation and the constructive suggestions made by the Examiner. In the October 26th conversation, Applicant's attorney understood the Examiner to indicate a preference for claims having the structure of newly added claims 21 and 22. Accordingly, Applicant requests examination of these claims in view of the Remarks made in Amendment B filed on July 30, 2004.

After a review of claims 1-20, Applicant respectfully submits that claims 1-20 are patentable for at least similar reasons as new claims 21 and 22. Applicant wishes to remind the Examiner of MPEP § 2173.01, which states:

A fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as any special meaning assigned to a term is clearly set forth in the specification. See MPEP § 2111.01. Applicant may use functional language, alternative expressions, negative limitations, or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought. As noted by the court in *In re Swinehart*, 439 F.2d 210, 160 USPQ 226 (CCPA 1971), a claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought. (Emphasis added).

Applicant respectfully submits that the subject matter defined by claims 1-20, in addition to claims 21 and 22, is recited with sufficient clarity and particularity to apprise one of ordinary skill in the art of its scope.

Accordingly, reconsideration of claims 1-20, and consideration of new claims 21 and 22, in view of the Remarks in Amendment B filed on July 30, 2004, is respectfully requested.

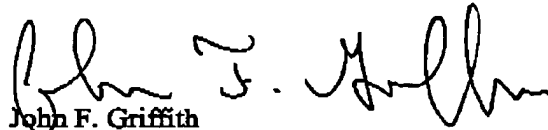
CONCLUSION

In view of the above Amendments and Remarks, Applicant submits that the above-identified application is in condition for allowance. Early notification to that effect is respectfully requested.

Should the Examiner believe that a further telephone conference would expedite the prosecution of this application, Applicant's attorney respectfully requests that the Examiner contact him by telephone at the number below.

Respectfully submitted,

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